

Rhode Island Housing Resources Commission
Minutes of May 21, 2010
Quarterly Meeting



Commissioners & Designees:

	Baxter, Susan – Chair	
Aaronson, Roberta Hazen		Hannifan, Chris
Bodington, Susan		Kiesel, Marilyn
Cola, Jeanne		McGunagle, Joanne
Evora, Michael		Sekeres, Bonnie
Flynn, Kevin		Stenning, Craig
Fenton, William		Van Noppen, Mark
Hajian, Kaveh		

Staff:

De Los Santos, Doris	Price, Darlene
Kimes, Charlie	Tondra, Mike
Kue, Simon	Vittorioso, Dawn
Neirinckx, Ray	

Guests:

Lagace, Nicole; Housing Works RI
Rhodes, Jared; Statewide Planning
Gorbea, Nellie; Housing Works RI

1. Call to Order

The meeting was called to order by Susan Baxter, Chair at 8:38 a.m.

2. Approval of March 19, 2010 Minutes

Joanne McGunagle moved acceptance. Marilyn Kiesel seconded. Minutes approved.

3. Report of Chair

- **Appointments and Reappointments:** We are so very pleased to welcome Bill Fenton, Vice President of Bank of America, as a representative of the Rhode Island Bankers Association. This was the seat held by Peter Walsh until his move to Rhode Island Housing. Bill and the Bank of America have been great partners of the HRC, participating in a number of developments. The bank has twice provided \$100,000 in funding for Neighborhood Opportunity Program homes.
- **Building Homes Rhode Island/Neighborhood Opportunities Program:** The Commissioners will review the Distribution Committee recommendations at this HRC meeting and will approve the remaining 2010 funding. The 2010 BHRI bond issue is imminent. It has been a great pleasure to attend various ground breakings and ribbon cuttings for so many great developments. We have had Senator Reed at several events and he and Senator Whitehouse toured a number of our developments along Broad Street on May 3.
- **Meeting Schedule:** The tentative meeting schedule for FY 2011 is as follows in Conference Room A:
 - **Friday, September 17, 2010**
 - **Friday, December 10, 2010**
 - **Friday, March 18, 2011**
 - **Friday, May 20, 2011**
- **American Recovery and Reinvestment Act:** Commission staff will continue to implement both the Neighborhood Stabilization Program and the Homeless Prevention and Rapid Re-Housing Program. Should Commissioners want to keep updated with documents/progress, these are available at:
www.hrc.ri.gov/NSP.php
www.hrc.ri.gov/HPRP.php
- **Legislation:** To date, there are two bills filed in the General Assembly that would directly impact the Housing Resources Commission.

Bill Numbers **S-2292 and H-7326** entitled Low and Moderate Income Housing would expand the definition of “low or moderate income housing” to also mean all rental units, not subsidized, in which rents fall within amounts as defined by applicable federal or state law relating to low and moderate income housing. At a hearing on 7326, the bill was tabled for further study. Bill Number **H-7730** would add the Neighborhood Opportunities Program to the powers and duties of the Housing Resources Commission with \$10 million in funding.
- **Personnel:** We very much appreciate Director Rosemary Booth Gallogly’s approving posting of the Chief of Housing and Community Development/HRC Executive Director position. The process to prepare for the posting has been initiated.

Jeanne Cola asked Noreen when the posting will be advertised. Noreen said the positions should be posted within ten days.

At this time, Susan took a moment to thank Noreen for her passion, knowledge and commitment to the mission of Housing and the mission of HRC over the past five years. Susan wished Noreen the best and said it was a pleasure working with her.

Susan invited the Commission to Noreen's fundraising retirement event; which will be held on June 15, 2010 at the Wannamoisett Country Club, Rumford RI at 5:30 p.m. and tickets will be \$30. The proceeds will be submitted to the Homeless Transportation Fund coordinated through Cross Roads Rhode Island.

Noreen took a moment to thank everyone and said her experience was wonderful.

4. Resolution: Approval of the Building Homes Rhode Island Bond/Neighborhood Opportunity Program Funds

Ray Neirinckx discussed the following:

Building Homes Rhode Island – Homeownership

- Habitat for Humanity		
2 units	41-43 Jefferson Avenue, Pawtucket	\$65,000
Total Homeownership Awarded		\$65,000

Building Homes Rhode Island – Rental Housing

- Operation Stand Down		
11 units	963 Chalkstone Avenue, Providence	\$440,000
- Olneyville Housing Corporation		
3 units	7 Curtis Street, Providence	\$10,025
- House of Hope CDC		
1 unit	126 Philips Street, Warwick	\$26,468
- Rockville Mill		
14 units	332 Canochet Road, Hopkinton	\$190,787
Total Rental Housing Awarded		\$667,280

Neighborhood Opportunities Program

- House of Hope		
2 units	34-36 West Street, Warwick	\$135,840
1 unit	126 Phillips Street, Warwick	\$67,920
- Pawtucket Citizens Development Corporation		

6 Units	698 – 710 Main Street, Pawtucket	\$123,000
- SWAP, Inc. TBD	Public, Friendship Street Area, Providence	\$244,654

Total Neighborhood Opportunities Program **\$571,414**

Ray took a moment to thank the staff at RI Housing for their support and then asked the Commission if they had any questions or comments. Jeanne Cola thanked the Committee for their work with this program. Jeanne explained that the amount of requests exceeded the amount of funding available; this demonstrates the need for subsidy for affordable housing projects. Jeanne said this is a great list for consideration and then took a moment to mirror Ray’s remarks and said thank you to the staff at RI Housing.

There was no further discussion. Motion to accept the resolution was made by Joanne McGunagle, seconded by Craig Stenning. The motion carried.

5. Resolution: Approval of the “Report on the Status of Implementation of the Comprehensive Housing Production and Rehabilitation Act of 2004”

Noreen began by explaining that when the General Assembly passed the Act in 2004, they charged the Housing Resources Commission with the responsibility of providing updated status reports for local affordable housing plans for the twenty nine communities that did not have ten percent of their housing stock affordable or for the five communities that were exempt because of the percentage of market rate affordable rental housing available within their communities.

Noreen explained that twenty nine communities are required to submit a Comprehensive Plan to reach the goal. The Housing Commission is responsible for reviewing the overall progress on the strategies in the plan and the status of Comprehensive Permits.

Noreen reminded the Commission that an electronic copy of the content below was sent via email. As few Commissioners reviewed the report, it was decided that the motion be withheld until the September meeting. Noreen continued the discussion and provided the following report to the Commission:



STATE OF RHODE ISLAND

HOUSING RESOURCES COMMISSION

One Capitol Hill Providence, RI 02908

The Comprehensive Housing Production and
Rehabilitation Act of 2004
Rhode Island General Law 45-53

Report on the Status of Implementation and
Disposition of Any Applications
Made under the Plan

July 1, 2008-June 30, 2009



STATE OF RHODE ISLAND

HOUSING RESOURCES COMMISSION

One Capitol Hill Providence, RI 02908

May, 2010

To: The Honorable Donald L. Carcieri, Governor of Rhode Island
The Honorable M. Teresa Paiva Weed, President of the Senate
The Honorable Gordon Fox, Speaker of the House
Mary Shekarchi, Esq., Chair, State Housing Appeals Board

Re: Transmittal of "Report on the Status of Implementation of the Comprehensive Housing Production and Rehabilitation of Act of 2004"

The Housing Resources Commission (HRC) is pleased to submit the fourth annual "Report on the Status of Implementation of the Comprehensive Housing Production and Rehabilitation Act of 2004" (R.I.G.L. 45-53-4) for the period July 1, 2008-June 30, 2009. The Act requires that twenty-nine communities which did not have 10% affordable housing, or which were not exempt because of a percentage of affordable rental housing, produce an affordable housing plan and file an annual progress report with the HRC.

"The local review board of a town with an approved affordable housing plan shall report the status of implementation to the Housing Resources Commission, including the disposition of any applications made under the plan, as of June 30, 2006, by September 1, 2006 and for each June 30 thereafter by September 1 through 2010... and shall find which towns are not in compliance with implementation requirements."

This report contains two sections: a summary of implementation of plans and an overview of the status of comprehensive permits. It is important to note that actual number of new affordable units was compiled from Rhode Island Housing 2009 calendar year data required by R.I.G.L. 42-55-5.3. This provides uniform tracking of increases in the number and of units produced and percentage of affordable housing as noted in the

attached Rhode Island Housing Chart. The report provides a point in time number that is subject to change upon completion of additional developments.

Cities and towns have continued to be limited in their progress due to challenges related to production of housing for low and moderate income households due to the national economic crisis. Limited credit and declining incomes have severely impacted the affordable sector. As a result, development may be stopped or delayed. However affordable homes continue to be a critical need linked to our state's economic development. Households struggling with economic instability find their problems compounded by lack of homes that they can afford. On the other hand, development of affordable homes produces employment, tax revenues, a stable workforce, and stronger communities.

Fortunately, stimulated by the Building Homes Rhode Island Bond (BHRI) and the Neighborhood Opportunities Program (NOP), developments that include Low and Moderate Income Housing (LMIH) units are already approved with many under construction. Similarly, federal Community Development Block Grant, HOME and Low Income Housing Tax Credits including programs funded through the American Recovery and Reinvestment Act of 2009 (ARRA), and HUD 811 and 202 programs are contributing to production throughout the state. Twenty five of the 29 towns are expected to produce LMIH units through state and federal funding in the next several years. In addition, many more units are being constructed in urban centers.

In target areas in eleven cities and towns, the Neighborhood Stabilization Program of the federal Housing and Economic Recovery Act of 2008 (HERA), will produce over 200 homes through rehabilitation of foreclosed and abandoned property and down-payment assistance to income qualified buyers who have completed homebuyer education classes.

This report has been a cooperative project. Rhode Island Housing provided the LIMH numbers and chart. Benny Bergantino, Senior Planner-Statewide Planning provided the Comprehensive Permit Background and Inventory. Staff of the Division of Planning and Rhode Island Housing contributed information and editing. The Housing Resources Commission, Office of Policy and Planning, chaired by Thomas Kravitz, Director of Planning for the Town of Burrillville, reviewed the document. Noreen Shawcross authored the narrative and is responsible for the accuracy and the content of the report.

In order to assist with implementation of plans, the Housing Resources Commission, in collaboration with Statewide Planning, Rhode Island Housing, the Housing Network of Rhode Island, Housing Works Rhode Island, the Housing Action Coalition of Rhode Island, the Corporation for Supportive Housing, Grow Smart Rhode Island and others, is pleased to provide information and support to cities and towns in their efforts to provide quality affordable housing for all Rhode Islanders. We are committed to working together to create homes that will improve our quality of life, our health and educational outcomes, and our economic well-being.

Respectfully submitted,

M.J.K. Susan Baxter
Chair
Housing Resources Commission

Noreen Shawcross
Executive Director
Housing Resources Commission

INTRODUCTION

The “Rhode Island Five Year Strategic Housing Plan” was adopted as part of the State Guide Plan in 2006. The vision is:

“Every Rhode Island household will be provided the opportunity of quality housing choice and affordability in strong communities that are the foundation of the state’s economic well-being.”

The progress, challenges, and opportunities to achieve this vision are the subject of this report.

The collapse of the housing market has made it clear to the community that housing is the backbone of our economy. The State of Rhode Island is one of the states most impacted by the national housing crisis. Thousands of Rhode Islanders have mortgages higher than the value of their homes. Homeowners and tenants in foreclosed properties have lost their homes. The gap between wages and housing costs continues to prevent people from purchasing homes, and leave many struggling to pay mortgages and rents. We have an increase in those who are experiencing a housing crisis due to unemployment. Housing conditions, therefore, continue to require interventions by state and local governments to meet community needs. According to the U.S. Census, American Community Survey 2007 and Rhode Island Housing’s tracking of the low and moderate income units, Rhode Island has 188,000 thousand households making less than \$50,000 annually but only 36,000 low and moderate income homes.

The benefits of housing production and rehabilitation include construction jobs, taxes on goods and salaries, a stable workforce and the opportunity to succeed in school. Unfortunately our current shortage of affordable homes brings the reverse including loss of income and taxes, school mobility and neighborhood decay.

The development of low and moderate income units measured in this report began during the 2004 General Assembly Session. Under the leadership of Senator John Tassoni and Representative Brian Patrick Kennedy, who chaired the Low and Moderate Income Task Force, the “Comprehensive Housing Production and Rehabilitation Act of 2004” became law. The Act mandates a comprehensive set of strategies including local involvement, state leadership, and coordination of resources. The Rhode Island Housing Resources Commission, the Statewide Planning Program, both of which are within the State of Rhode Island Division of Planning, and Rhode Island Housing, the state’s housing and

mortgage finance corporation, share responsibility for implementation of the Act. An ongoing oversight commission monitors implementation.

The law mandates three primary vehicles to ensure implementation of the state's Low and Moderate Income Housing (LMIH) initiatives: development of local affordable housing plans by twenty-nine (29) cities and towns with specific thresholds for 10% affordability; development of a state strategic housing plan; and this annual progress report to be completed by the Housing Resources Commission.

The local plans were submitted and approved in December 2004/early 2005. The "Rhode Island Five Year Strategic Housing Plan" was approved in June 2006. Previous reports are available on line at www.hrc.ri.gov. In this fourth annual report, we continue to track progress, and, this year, will rate progress in each community.

Communities include: Barrington, Bristol, Burrillville, Charlestown, Coventry, Cumberland, East Greenwich, Exeter, Foster, Glocester, Hopkinton, Jamestown, Johnston, Lincoln, Little Compton, Middletown, Narragansett, New Shoreham, North Kingstown, North Smithfield, Portsmouth, Richmond, Scituate, Smithfield, South Kingstown, Tiverton, Warren, West Greenwich, and Westerly.

Summary of Implementation

Recognizing the challenges communities face in implementing strategies in their Affordable Housing Plans, created in 2004 and 2005, the previous three reports have not rated individual progress. However, at this time, as many communities are updating the Housing Elements of their Comprehensive Plans, we present the following list for elected officials, mayors, town administrators and the public to indicate how plans have progressed toward housing goals. (Please see chart on page 8.)

Reached Goal (100% of AHP 5 Year Goal)

New Shoreham

Excellent Progress (60% - 99% of AHP 5 Year Goal)

Barrington

Burrillville

Hopkinton

North Smithfield

Good Progress (30% - 59% of AHP 5 Year Goal)

Bristol

Exeter

North Kingstown

South Kingstown

Tiverton

Adequate Progress (10% to 29% of AHP 5 Year Goal)

Charlestown

Coventry

Cumberland

Johnston

Lincoln

Little Compton

Middletown

Narragansett

Portsmouth

Smithfield

Westerly

No Significant Progress (1%-9% AHP Five Year Goal)

East Greenwich

Glocester

Warren

No Progress (0% of AHP Five Year Goal)

Foster

Jamestown

Richmond

Scituate

WEST GREENWICH

STATEWIDE HOUSING PROGRESS

- To date, the Building Homes Rhode Island Bond has contributed to the creation of 794 homes in 24 of the 39 cities and towns including 18 of the 29 communities that are the subject of this report.
- Since 2001, the state funded Neighborhood Opportunities Program (NOP) has contributed to the creation of 1,180 homes in 26 of the 39 cities and towns including 17 of the reporting communities.

CHALLENGES AND OPPORTUNITIES

While there is support for housing opportunity as evidenced by passage of the Building Homes Rhode Island bond in all 39 cities and towns, community concerns about the development of affordable homes remains a challenge. Housing Works Rhode Island, the Housing Action Coalition of RI and other advocates will continue to provide increased public education and awareness to move toward overcoming these barriers.

Despite these challenges, Rhode Island is clearly moving forward toward the goal of housing opportunity for all Rhode Islanders. The most positive impact has been due to the state's \$50,000,000 Building Homes Rhode Island bond (FY 2008-FY 2011) and \$43,400,000 million Neighborhood Opportunities Program (since FY 2001). Each of these programs has been leveraging nine dollars for every state dollar invested. Together they have contributed to the creation of nearly 2,000 homes.

Another significant opportunity is the willingness of many communities to engage in collaborative efforts with developers. Communities open to working with developers are experiencing remarkable results. These may include partnerships with their own housing authorities and/or with for-profit and non-profit developers. These partnerships have resulted in conversion of mills, attractive starter homes, mixed-use and mixed-income developments, and rental housing for vulnerable populations.

All but two of the communities participate in the Community Housing Land Trust. While the home itself is owned, the land is leased, with restrictions that make the home permanently affordable to income qualified buyers each time the property is sold. Homes on leased land will look like every other home in the neighborhood, yet are affordable to moderate income households. This is a promising tool for site by site development and inclusion of LMIH homes scattered throughout a community. The Office of Housing and Community Development, through the Community Development Block Grant Program (CDBG) has supported this program in 31 communities in the current fiscal year.

Recommendations

- Each community should establish a partnership with a developer(s) to assist them in identifying housing opportunities based upon their affordable housing plans.
- Communities should review their progress on the strategies identified in their affordable housing plans and either implement them or replace them with new strategies that will promote progress. Each community should ensure that the Housing Element of the Comprehensive Plan at each five year update is revised so that strategies that did not work are eliminated or changed. There must be a plan to implement strategies that have not been implemented, to propose new strategies, and to adjust numbers to reflect these revisions.
- Among new strategies might be:
 - Promote acquisition of foreclosed property that would be feasible as LMIH units;
 - Use the land trust model;
 - Actively seek use of housing trust funds that have been created;
 - Actively seek sources of funding for housing trust funds;
 - Consider multi-family zoning by right in all village areas;
 - Work with local housing authorities in developing LMIH units;
 - Encourage and support non-profit applications for federal programs for the elderly or disabled (HUD Section 202s and 811s);
 - Apply for CDBG funds related to housing development;
 - Utilize and strengthen affordable housing boards/task forces.
- Communities should work with affordable housing boards/task forces in order to identify strategies for inclusion in Comprehensive Plan five year updates.

Municipality	2009	2005-09	Plan Projected	Proposed 2010	% 2011 Plan Goal	Progress
Barrington	29	29	124	47	61%	Excellent
Bristol	21	44	113	0	39%	Good
Burrillville	0	80	180	49	72%	Excellent
Charlestown	1	3	133	10	10%	Adequate
Coventry	3	22	216	12	16%	Adequate
Cumberland	0	2	209	42	21%	Adequate
East Greenwich	0	3	213	0	1%	No Significant Progress
Exeter	21	24	73	3	37%	Good
Foster	0	0	69	0	0%	No Progress
Glocester	5	5	85	0	6%	No Significant Progress
Hopkinton	0	53	114	18	62%	Excellent
Jamestown	0	0	37	0	0%	No Progress
Johnston	0	60	373	3	17%	Adequate
Lincoln	3	30	185	2	17%	Adequate
Little Compton	0	0	54	7	13%	Adequate
Middletown	0	21	73	0	29%	Adequate
Narragansett**	0	44	201	5	24%	Adequate
New Shoreham	0	20	20	0	100%	Reached Goal
North Kingstown**	0	5	78	20	32%	Good
North Smithfield	4	102	150	0	68%	Excellent
Portsmouth	18	34	160	0	21%	Adequate
Richmond	0	1	348	0	0%	No Progress
Scituate	0	0	80	0	0%	No Progress
Smithfield	1	47	225	5	23%	Adequate
South Kingstown	0	67	206	21	43%	Good
Tiverton	70	70	287	68	48%	Good
Warren	0	7	143	0	5%	No Significant Progress
West Greenwich	0	0	133	0	0%	No Progress
Westerly	8	30	180	18	27%	Adequate
Totals	184	766	4462	312		

Totals and Projected Totals as of December 31, 2009

* Narragansett has approved 90 homes at Blackpoint-DelaSalle

**North Kingstown has approved 104 homes at Kingstown Crossings

Comprehensive Permits

Legislative Background

In 1991, the Rhode Island General Assembly passed the Low and Moderate Income Housing Act (LMIH) (R.I.G.L. 45-53). Under the Act, the following State guidelines were established.

- A 10 percent [%] low and moderate income housing (LMIH) threshold was established for all municipalities.
- There was access to an expedited review process for development, known as “Comprehensive Permitting.” This process allowed developers to submit “a single application” that incorporated the requirements of various municipal ordinances, including, but not limited to zoning and subdivision. This guideline was presented as a “one-stop shopping permitting process.”
- This “Comprehensive Permitting Process” limited private for-profit developers to building rental housing stock. Non-profit developers could submit comprehensive permit applications for both affordable for-sale and rental-projects.
- Municipal zoning boards were awarded the power of approval regarding the comprehensive permitting process.
- Aggrieved developers were provided an appeals process to apply for a state override. These appeals were ruled upon by the State Housing Appeals Board (S.H.A.B.).
- Municipal housing elements were recommended to determine if the municipality had either met the 10% threshold or would provide plans that the community was dedicated to meeting the threshold.
- Lastly, the Act required a minimum 20% of a proposed development to be designated for LMIH housing to be eligible for subsidy programs.

After having established these guidelines, the Rhode Island General Assembly amended the Act in 1999. This amendment provided an alternative for qualifying municipalities to be awarded an exemption from the 10% threshold. This exemption was only awarded to municipalities with at least 5,000 occupied year round rental units. In addition, the rental units needed to comprise a quarter (25%) or more of the year round housing units and be in excess of 15% of the occupied year round rental units. To date, Cranston, North Providence, Pawtucket, Warwick, and West Warwick qualify for this exemption.

In 2002, the Rhode Island General Assembly again amended the Rhode Island Low and Moderate Income Housing Act. The Act established that private for-profit developers would be granted the right to build ownership units that would “remain as low or moderate income housing for a period no less than thirty (30) years from initial occupancy.” Consequently, after the amendment was passed, from 2002 to 2004, a total of 59 comprehensive permit applications were filed by both for-profit and non-profit developers. Collectively, these 59 applications proposed to create 7,610 units with 2,107

(27.7%) LMIH. Furthermore, of the 59 applications filed, 52 were originated by for-profit entities. These for-profit entities proposed to create 7,170 units with 1,667 (21.9%) LMIH. The remaining seven applications were filed by non-profits seeking to create a total of 440 LMI units. These 440 LMIH units comprised 20.8% of the total LMIH unit creation and they comprised 5.8% of the total unit creation.

Based upon the comprehensive permit activity from 2002 to 2004, the State experienced two repercussions. First, during this two-year timeframe the number of comprehensive permit applications quadrupled. In addition, had all the filed applications been approved the impacted municipality would have found themselves in a difficult position to maintain and/or achieve the 10% threshold. Second, Handbook 16 was updated in 2003 because many of the applications on appeal did not respond to the housing needs of the communities as they pertained to household type, tenure, and suitable locations based on environmental and infrastructure conditions, densities exceeding the existing local zoning and a multitude of other issues related to such rapid development.

Consequently, on February 13, 2004, in response to local outcries, the Rhode Island State Legislature imposed a moratorium on the comprehensive permitting process until June 30, 2005. Along with the moratorium, there were concurrent responses in the formation of the Low and Moderate Income Task Force and the resulting Comprehensive Housing Production and Rehabilitation Act passed in June 2004. This legislation also increased the comprehensive permit unit threshold from 20% affordable to 25% affordable. More importantly, this legislation required the 29 non-exempt municipalities (10 exempted) to prepare and submit an “Affordable Housing Plan” for State approval. As elements of the local comprehensive plans, these documents would outline how and where the communities proposed to achieve their goal of providing 10% of their housing stock as affordable. With a State approved plan, a municipality could guide the production of affordable housing development based on: household type, tenure, and location. On February 26, 2006, the last municipal Affordable Housing Plan was approved by the State.

Lastly, in July 2006, The Low and Moderate Income Housing Act (45-53), amended the appellate review body of the State Housing Appeals Board (SHAB) from R.I. Supreme Ct. to R.I. Superior Ct.

Inventory of Comprehensive Permits

The “Comprehensive Permit Inventory (FY 2004 to FY 2009)” table, on pages 16 and 17 details the status of 81 comprehensive permits. Due to the sheer magnitude of information provided within this table, six categories have been identified to aid the understanding of the current status of each comprehensive permit application. Definitions of the six steps are provided below:

- Category I: Letter of Eligibility - This is the initial stage of the comprehensive permit. At this stage the developer must determine if entering the comprehensive permitting process would be advantageous for the project. Should the developer decide to proceed in this fashion, a “Letter of Eligibility” (LOE) must be obtained

indicating that the development as proposed is generally feasible and eligible to compete for a municipal, state, or federal affordable housing subsidy. This LOE is required to override local zoning and initiate a streamlined municipal planning review process.

- Category II: Certificate of Completeness and Town Review Hearings - When both the developer and municipal planning department have determined the application to be ready for official review, a “Certificate of Completeness” is issued and “Town Review Hearings” may begin.
- Category III-A: Decision - Approval/Denial - The municipal review board has arrived at a decision regarding the application for development.
- Category III-B: Litigation - In the event Category III-A fails to provide a satisfactory resolution, an appellate review process can be initiated. An aggrieved developer may appeal local comprehensive permit decisions to the State Housing Appeals Board (SHAB). In the event the SHAB ruling does not satisfy the developer, the developer may appeal the SHAB decision to RI Superior Court. In addition to a developer being provided an appellate review process, both abutters and local review boards are provided a similar opportunity. Any abutters or those requiring legal notice of a comprehensive permit may appeal local municipal review board approvals to RI Superior Court. Furthermore, if the local review board decision is overturned by the SHAB, the board may appeal the decision, on behalf of the municipality, to RI Superior Court.¹
- Category IV: In Development - During this stage the developer must have the project recorded and obtain the additional permits needed before construction. Some examples of permits and inspections are: building, electrical, mechanical, plumbing, etc. Lastly, the developer needs to determine if any additional funding or bonding will be needed.
- Category V: Completed - During the “Completion” stage the certificates of occupancy are obtained to signify the units are ready to be occupied.

¹ Prior to the July 2006 amendment to “The Low and Moderate Income Housing Act” (45-53), the appellate review body for the SHAB was the R.I Supreme Court.

Comprehensive Permit Inventory (FY 2004 to FY 2009)						
ID	Town	Project Name	Non-profit - NP or For-profit - FP	Total Units	Affordable Units	Status 07-01-2004 to 06-30-2009
1	Barrington	Sweetbriar	NP	50	50	In Development.
2	Barrington	Haines Park Village	FP	10	10	In Development.
3	Barrington	Morelli Plat	FP	1	1	Decision - Town Denied
4	Barrington	Barrington Workforce	NP	12	12	<i>Certificate of Completeness</i> & Town Review Hearings.
5	Bristol	Kane's Way	NP	19	10	Completed.
6	Bristol	Catherine Place	NP	8	8	Completed.
7	Bristol	Opechee Drive	FP	2	1	<i>Certificate of Completeness</i> & Town Review Hearings.
8	Burrillville	Pascoag Village	NP	120	120	<i>Certificate of Completeness</i> & Town Review Hearings.
9	Burrillville	Stillwater Mill	NP	47	36	In Development.
10	Charlestown	Ninigret Hamlet	FP	125	25	Litigation - Jurisdictional Issue.
11	Charlestown	Edwards Lane	NP	8	8	In Development.
12	Charlestown	Village Farm Subdivision	FP	56	32	In Development.
13	Charlestown	Lakeview Ocean State	FP	8	8	In Development.
14	Charlestown	4169 South County Trail	NP	1	1	In Development.
15	Coventry	Riverwalk Commons	FP	48	12	In Development.
16	Coventry	Golden Ridge	NP	34	34	<i>Certificate of Completeness</i> & Town Review Hearings.
17	Coventry	Sherwood Village	FP	192	49	<i>Certificate of Completeness</i> & Town Review Hearings.
18	Cumberland	Clairmont Street - Habitat	NP	2	2	Completed.
19	Cumberland	Mendonwood	FP	24	6	Litigation - Developer appeal to SHAB.
20	Cumberland	Mendon Crossing	FP	7	2	Litigation - Developer appeal PB decision to Superior Ct.
21	Cumberland	Flat River Estates	FP	21	6	Decision - Approved
22	Cumberland	Albion Crossing	FP	4	2	Litigation - Developer appeal to SHAB.
23	Cumberland	Valley View Senior Housing	NP	42	42	In Development.
24	Exeter	Deer Brook	FP	137	31	In Development.
25	Hopkinton	Wood River Village - Bank St Apts	NP	30	30	Litigation - Other.
26	Hopkinton	Saugatucket Springs	NP	53	53	Completed.
27	Hopkinton	Clarks Falls	FP	54	14	Litigation - Town appeal of SHAB approval to Superior Ct.
28	Hopkinton	Canonchet Woods	FP	53	20	In Development.
29	Hopkinton	Rockville Mill	FP	8	8	<i>Certificate of Completeness</i> & Town Review Hearings.
30	Jamestown	Pemberton Ave	NP	2	1	<i>Certificate of Completeness</i> & Town Review Hearings.
31	Johnston	The Groves at Johnston	FP	300	60	Completed.
32	Lincoln	Manville Crossing	FP	9	3	Completed.
33	Lincoln	Chamberlain Subdivision	FP	5	2	Completed.
34	Lincoln	The Residents at Stone Creek	FP			<i>Letter of Eligibility - No Official Submission.</i>
35	Lincoln	Quinnville Commons	FP			<i>Letter of Eligibility - No Official Submission.</i>
36	Little Compton	Laura Bettencourt Borges House	NP	28	28	Litigation - Other
37	Middletown	Sunset Lane	NP	4	4	Completed.
38	Narragansett	Agostinelli House	NP	1	1	In Development.
39	Narragansett	Narragansett Farm House	NP	4	4	Decision - Approved
40	Narragansett	Clarke Point	NP	40	40	Completed.
41	Narragansett	Boon Street	FP	4	2	Decision - Town Denied.
42	Narragansett	South Point Village	FP			<i>Letter of Eligibility - No Official Submission.</i>
Shading - FY 2009 Comprehensive Permits.						

Comprehensive Permit Inventory (FY 2004 to FY 2009) - Continued						
ID	Town	Project Name	Non-profit - NP or For-profit - FP	Total Units	Affordable Units	Status 07-01-2004 to 06-30-2009
43	Narragansett	Narragansett Highlands	FP	28	28	Certificate of Completeness & Town Review Hearings.
44	Narragansett	Atlantic East	FP	56	14	Litigation - Developer appeal to SHAB.
45	Narragansett	DeLaSalle Black Point	NP	132	90	Certificate of Completeness & Town Review Hearings.
46	Narragansett	Ocean Breeze	FP	32	8	Litigation - Developer appeal to SHAB.
47	Narragansett	Wayland Trail	FP	3	2	Certificate of Completeness & Town Review Hearings.
48	N. Kingstown	North Cove Landing	FP	32	32	Certificate of Completeness & Town Review Hearings.
49	N. Kingstown	Tully Commons	FP	4	1	Certificate of Completeness & Town Review Hearings.
50	N. Kingstown	Kingstown Crossing	NP	104	104	Certificate of Completeness & Town Review Hearings.
51	N. Kingstown	Goose Nest Commons	FP	286	58	Litigation - Developer appeal to SHAB
52	N. Kingstown	Wickford Cove	FP	16	4	Certificate of Completeness & Town Review Hearings.
53	N. Kingstown	Stone Croft at Wickford Village	FP	7	2	Certificate of Completeness & Town Review Hearings.
54	Portsmouth	Quaker Estates III	NP	5	5	Completed.
55	Portsmouth	Quaker Estates IV	NP	18	18	In Development.
56	Portsmouth	Leland Point	FP	39	10	Certificate of Completeness & Town Review Hearings.
57	Richmond	Altamonte Ridge	NP	53	53	In Development.
58	Richmond	Fox Run/Jupiter Village	FP	108	27	Certificate of Completeness & Town Review Hearings.
59	Scituate	Fieldstone Way	FP	15	3	Certificate of Completeness & Town Review Hearings.
60	Smithfield	County Hills Condominiums	FP	12	5	In Development.
61	Smithfield	Mill River Manor	FP	37	10	Decision - Approved
62	Smithfield	Macintosh Estates	NP	46	46	Completed.
63	Smithfield	Whipple Creek Condominiums	FP	42	33	In Development.
64	Smithfield	The Woods	FP	21	6	Certificate of Completeness & Town Review Hearings.
65	(Smithfield)	Dean Estates	FP	31	8	Litigation - Developer Appeal to SHAB.
66	Smithfield	Dean Pines	FP	31	9	Certificate of Completeness & Town Review Hearings.
67	S. Kingstown	Rodman Commons	NP	50	50	Completed.
68	S. Kingstown	Rocky Brook/Meadowbrook Condominiums	FP	60	15	Completed.
69	S. Kingstown	Brandywine Community	FP	44	11	Certificate of Completeness & Town Review Hearings.
70	S. Kingstown	Hopkins Green II	FP	16	4	Certificate of Completeness & Town Review Hearings.
71	S. Kingstown	North Village	FP	24	6	Certificate of Completeness & Town Review Hearings.
72	S. Kingstown	Bayberry Court	NP	10	10	Certificate of Completeness & Town Review Hearings.
73	Tiverton	Sandy Wood Farms	NP	71	50	In Development.
74	Tiverton	Bourne Mill Phase 1	FP	166	66	In Development.
75	Tiverton	Tiverton Village	FP			Letter of Eligibility - No Official Submission.
76	Warren	St. Jean's Rectory	NP	4	4	Completed.
77	Warren	St. Casimir Church	NP	10	6	Completed.
78	W. Greenwich	Victory Woods	NP	50	11	In Development.
79	Westerly	Pleasant Street Condominiums	FP	17	17	Certificate of Completeness & Town Review Hearings.
80	Westerly	Spinnaker Landing	FP	48	10	In Development.
81	Westerly	Westerly Courts	NP	10	10	Completed.
Shading - FY 2008 Comprehensive Permits.						

Source – Rhode Island Housing, Relevant Municipalities and the Division of Planning – Senior Planner, Benny Bergantino.

The table presented above inventories the statuses of active comprehensive permits initiated between FY 2004 and FY 2009. The units presented are only anticipated and are subject to change. These changes could be attributed to the recent fluctuations in the housing market, which have created a lack of available credit to developers. In addition, many developers are determining that the cost-benefits of their projects are no longer financially advantageous for them based upon time constraints, mitigating permit issues or additional expenses. Local and appellate review of comprehensive permit applications can be time consuming and costly. RI General Law 45-53 does not include provision for the expiration of vesting rights for comprehensive permit application.

After Noreen discussed the report with the Commission, Jeanne agreed that the report should be submitted. Jeanne asked if the report could be submitted with a contingency subject to comments submitted by next Friday, May 28, 2010. Michael then said he understands a vote, other than in a public setting, would be in violation of the State's Public Meeting Policy. Susan agreed with Michael.

Noreen asked the Commissioners their thoughts on Jeanne's suggestion. Jeanne reiterated that the Commissioners can vote today on submitting the reports subject to any edits or comments made by the Commissioners within the next week; due by Friday, May 28, 2010. Jeanne said that she reviewed the document and supports the recommendations. Michael asked if Jeanne was suggesting a contingent approval; a vote would be made today and if any Commissioners have concerns they could submit their comments by next Friday, May 29, 2010. Michael asked if the Commissioner's comments and/or concerns would be discussed at the September meeting. Susan said if the concerns are beyond edits, and they are substantial concerns, then they would be discussed at the September meeting.

Noreen said with the exception of the challenges, opportunities and recommendations, the report is factual. Jeanne commented that she liked the recommendation page within the report. Jeanne said that including this information will assist the communities with ways to improve affordable housing. At this time, Noreen took a moment to discuss the recommendations below:

- Each community should establish a partnership with a developer(s) to assist them in identifying housing opportunities based upon their affordable housing plans.
- Communities should review their progress on the strategies identified in their affordable housing plans and either implement them or replace them with new strategies that will promote progress. Each community should ensure that the Housing Element of the Comprehensive Plan at each five-year update is revised so that strategies that did not work are eliminated or changed. There must be a plan to implement strategies that have not been implemented, to propose new strategies, and to adjust numbers to reflect these revisions.
- Among new strategies might be:
 - Promote acquisition of foreclosed property that would be feasible as LMIH units;
 - Use the land trust model;
 - Actively seek use of housing trust funds that have been created;
 - Actively seek sources of funding for housing trust funds;
 - Consider multi-family zoning by right in all village areas;
 - Work with local housing authorities in developing LMIH units;
 - Encourage and support non-profit applications for federal programs for the elderly or disabled (HUD Section 202s and 811s);

Bonnie took a moment to correct recommendation (HUD Section 202s and 811s). Bonnie said that HUD Section 202s and 811s are specifically for non-profit developments. Bonnie suggested

a separate bullet for this recommendation and said the bullet should state: Encouraging not for profits to apply for 202 and 811 funding. Noreen thanked Bonnie and said that she would make the necessary change.

Noreen continued reviewing the remaining recommendations:

- Apply for CDBG funds related to housing development;
- Utilize and strengthen affordable housing boards/task forces.
- Communities should work with affordable housing Boards/Task Forces in order to identify strategies for inclusion in Comprehensive Plan five year updates.

Susan asked the Commissioners if there were any questions or additional comments. Bonnie, speaking about the Summary of Implementation, said the range factors are too broad and she would like to see another subdivision from the 30% - 99%; a category that has 0%, will be useful information too. Susan agreed and Noreen said that she would include another subdivision.

Marilyn appreciated the data as it relates to the census track and how the information is broken down by town. Additionally, she noted that she believes the economy has impacted the percentage of new affordable units available and thinks that has had a significant impact on the progress. Noreen said that there are statements on this topic within the report.

Susan asked Michael how this item could be reconstructed for a resolution. Jeanne suggested that the resolution read “The Commission approves the report of status of implementation of the Comprehensive Housing Production in Limitation Act 2004 dated May 28, 2010 with all approved edits”. Chris said if there is something substantial, we could have it amended for the September, 2010 meeting. Michael agreed with Jeanne’s suggestion. Sue Bodington suggested the Commission authorize the reports subject to edits other than substantial changes. Michael suggested the motion to state “approves the submission”. Jeanne agreed.

Noreen said edits to the documents are due by Friday, May 28, 2010 by 10:00 a.m..

There was no further discussion. The Motion to approve the submission of the report status of implementation of the Comprehensive Housing Production in Limitation Act 2004 dated as of May 28, 2010, as amended, was motioned by Jeanne Cola, seconded by Susan Bodington. The motion carried.

6. Resolution: Approval of the Notice for Publication: Amendment to Lead Hazard Mitigation Regulations – Consistency with U.S. EPA

Noreen explained that after the last HRC meeting, the Lead Hazard Committee reconvened to discuss the Environmental Standards law, which will go into effect May 1, 2010. Noreen explained that the US Environmental Protection Agency had new standards for lead hazard controls. Therefore, the HRC Lead Hazard Mitigation Law needs to be amended. Noreen explained that a meeting was held to discuss the approved changes as listed below. Doris then reviewed the following changes that were discussed and approved by the committee:

LEAD HAZARD MITIGATION REGULATIONS
PROPOSED CHANGES

RULE 6 C: Lead Hazard Controls

1. All painted surfaces shall have Intact Paint, free from visible chipping, chalking, and/or peeling.
2. Spot removal of interior lead-based paint may be performed by the Property Owner or Designated Person if the surface areas from which paint is to be disturbed are less than six (6) square feet per room, including common areas, of any dwelling unit or where no more than 20 square feet of lead based paint is disturbed on the exterior. Windows and doors shall not be counted provided removal of lead is performed off the Premises.
 - 2.1. Components that are repaired off the Premises shall not be counted for the purposes of the requirements in Section 2, above. Components shall include:
 - 2.1.1.Walls
 - 2.1.2.Ceilings
 - 2.1.3.Floors
 - 2.1.4.Window molding
 - 2.1.5.Window wells
 - 2.1.6.Woodwork/molding
 - 2.1.7.Windows
 - 2.1.8.Doors
 - 2.2. Removal of Damaged Painted Surfaces in excess of those cited in Section 2, above shall only be done by lead licensed contractors or remodeler/renovators as certified by DOH, R23-24.6-PB.
 - 2.3. The Property Owner/Designated Person may repair Damaged Painted Surfaces in accordance with the standards in RULE 6 D.

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Deleted: and less than six (6) square feet in any common area, provided further that no room or common area contains more than eight (8) components with damaged lead-based paint, regardless of the square footage amount of paint that must be removed
Deleted: as damaged components
Deleted: 2.1. . Components shall include: <#>Walls <#>Ceilings <#>Floors <#>Window molding <#>Window wells <#>Woodwork/molding <#>Windows <#>Doors
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Doris explained that certifications performed on a property built prior to 1978 as of April 23, 2010, will need to have a certified licensed professional complete the inspection. Inspectors can receive certification by attending an eight-hour Certification Class regulated by the Department of Health Regulations.

At this time, Noreen asked the Commissioners to approve the changes for publication. Noreen said the Commissioners will have the opportunity to vote on the changes during the September meeting; which would then be submitted to the Secretary of State for filing.

Maryilyn Kiesel said that there has been some confusion regarding property owners performing work on their own homes. Marilyn asked if the new law applied to homeowners performing their own renovations or if the changes are geared toward rental units. In response, Roberta said if the individual performing the work is being compensated, then the property owner would need to abide by the regulations; landlords performing work on their own units would also need to abide by the regulations. Roberta then said that this would not apply to homeowners performing work on a non-rental unit.

There was no further discussion. The Motion that the Commission approves the proposed State Lead Hazard Mitigation amendments to the Housing Resources Commission, Rules and Regulations of the Commission for Publication in accordance with R. I. G. L. 42-128-15 and 42-35-4 was motioned by Michael Evora, seconded by Bonnie Sekeres. The motion carried.

7. Resolution: Approval of Letter to Support Senior Housing

Susan began by reminding the Commissioners that at the last HRC meeting, Bonnie discussed the elderly and disabled grant programs that would be eliminated from federal funding. Susan said a letter to the Members of Congress has been drafted.

Noreen explained the letter is intended to raise awareness for the two eliminated HUD grants. Sue Bodington said that while speaking with Secretary Donovan, he said that HUD reduced their budget and the programs that were eliminated were not efficient. Bonnie said that the approval would be for 20-30 units.

Noreen asked Bonnie if she thought the letter included all of her concerns. Bonnie said she would prefer the letter to read “While we welcome innovation and streamlining of programs, we do urge you to reinstate the funds within the federal budget”. Susan added that since Mr. Donovan has been mentioned in the letter, she thought it would be appropriate to carbon copy him on the letter.

There was no further discussion. Motion to send a letter to include the above suggested edits to support senior housing to Members of Congress was made by Bonnie Sekeres, seconded by Craig Stenning. The motion carried.

8. Rhode Island Smart Growth Progress Report – Kevin Flynn

Kevin Flynn began by explaining that a month ago he presented this material at the Growth Smart Power of Place Summit. Kevin said that Jared Rhodes, Karen Scott and Vinny Flood were instrumental in the preparation of this presentation; he then thanked them again for their involvement. Kevin Flynn said that the presentation highlights some of the achievements of Statewide Planning over the past 4 years with Land Use 2025.

At this time, Kevin Flynn asked if anyone had any questions or comments. Susan asked if Schartner Farms was being preserved. Kevin said that the farm was purchased by the State, the Town and by the a private Philanthropist.

9. Public Comment Period

Susan Bodington, on behalf of the staff at RI Housing, took a moment to thank Noreen for her hard work with housing and homelessness. Brenda also took a moment and mirrored Susan’s comments and then said she looks forward to working with Noreen on volunteer opportunities in

the future. The Office of Housing and Community Development staff also took a moment to thank Noreen for being not only a fantastic boss but an incredible mentor.

Michael, referencing the Chair's Report, said that Senate Bill 2149 is somewhat related; this bill would amend the State's Fair Housing Practices Act to prohibit discrimination on the basis of Government assistance recipient status. Michael said that this is along the basis of discrimination against Section-8 recipients.

The meeting adjourned at 10:38 a.m..